IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

MARK PINAL §

VS. § CIVIL ACTION NO. 1:07-CV-980

UNITED STATES OF AMERICA §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Mark Pinal, a federal prisoner, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to the Federal Tort Claims Act and *Bivens v. Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends granting the defendant's motion to dismiss the complaint.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. Defendant's motion to dismiss is **GRANTED**.

A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED this the 14 day of November, 2008.

Thad Heartfield

United States District Judge